

# **EXHIBIT 8**

Letter dated October 30, 1905 to William E. Casson  
from Acting Commissioner of Indian Affairs

Land.  
87489, 1905.

Copy  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

October 30, 1905.

William E. Casson, Esq.,  
Special Allotting Agent,  
Susanville, California.

Sir:

The lands embraced within the Walker River Reservation, Nevada, were withdrawn from public sale and other disposition, and set apart for the use of the "Pah-Ute" Indians residing thereon, by the Executive order of March 19, 1874.

Congress, by the Act approved May 27, 1902, (32 Stats. 248-260) directs the Secretary of the Interior, among other things, to allot from the lands of the said reservation, susceptible of irrigation by the present ditches or extensions thereof, twenty acres to each head of a family residing thereon, the remainder of such irrigable land to be allotted to such Indians on the reservation as the Secretary may designate, not exceeding twenty acres each; and when a majority of the heads of families shall have accepted such allotments, and consented to the relinquishment of the right of occupancy to land on the reservation which can not be irrigated from existing ditches and extensions thereof, and land which is not necessary for dwellings, school buildings, or habitations for the members of the tribe, such allottees who are heads of families are to receive the sum of \$300 to enable them to commence the business of agriculture, to be paid in such manner and at such times as may be agreed upon between said allottees and the Secretary.

When such allotments shall have been made, and the consent of the Indians obtained as aforesaid, the lands so relinquished are to be opened to settlement by proclamation of the President, to be disposed of under existing laws.

You have been designated by the Secretary to make allotments on the reservation under said act. Before beginning your instructions, it may be stated for your information that the joint resolution of June 19, 1902, (32 Stats. 744) provides, in addition to the allotments in severalty of land within the reservation, that the Secretary shall, before any of said lands are opened to disposition under any public land law select and

set apart for the use in common of the Indians of the reservation such an amount of non-irrigable grazing land therein, at one or more places, as will subserve the reasonable requirements of the Indians for the grazing of live stock; also that the act of March 3, 1903, (32 Stat. 982, 997) appropriates \$175,000 to enable the Secretary to do the necessary surveying, and otherwise carry out the provisions of the act of May 27, 1902, (Supra) as provides for the allotments to the Indians of the Walker River Reservation, and certain other Indians.

The lands necessary to make the allotments to the Indians of this reservation have been surveyed. It is ascertained upon informal inquiry at the General Land Office that the surveys have been examined in the field; that the plats and field notes of the surveys are being prepared in the office of the Surveyor-General for Nevada, for transmittal to the General Land Office; and that when they shall have been forwarded to and approved by that office, copies thereof will be transmitted to this office.

Upon the receipt of these copies, they, or copies thereof, will at once be forwarded to you for your use in making allotments to the Indians of the said reservation under the act of May 27, 1902, and the instructions now issued for your guidance in the work proposed.

It will be your duty to determine the land for allotment, that is, whether it is irrigated or susceptible of irrigation by the present ditches or extensions thereof. You should do this upon conference with J. R. Meskimons, Superintendent of irrigation, now engaged under instructions from this office in surveying and planning a system of irrigation upon the surveyed lands sufficient to make allotments to the Indians.

He was instructed, on July 22, 1905, for the purposes stated. A proper description of the land was furnished him. His first duty was to make a survey of, and prepare a map or maps showing, all the irrigation ditches that have been constructed on the reservation, and the lands covered thereby, to give the acreage thereof, show the section, township and range, and the number of Indians that could be allotted twenty acres each, and then to estimate the quantity of additional land necessary to bring under irrigation to give each remaining Indian — man, woman, and child — twenty acres apiece, and determine by proper surveys the lines of the ditches to be extended and constructed for that purpose.

Heads of families are to receive an allotment of twenty acres each. If there remains sufficient irrigable land, or land susceptible of irrigation, after making allotments to each head

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of a family residing on the reservation, you will allot the remainder of such land to the Indians thereof, not exceeding twenty acres each. If it should be found that there is not sufficient land to give each remaining Indian twenty acres of irrigable land or land susceptible of irrigation by the present ditches or extensions thereof, it should be allotted pro rata, that is in five or ten-acre tracts each. The office hopes, however, that you will be able to find sufficient land susceptible of irrigation to make allotments of twenty acres to each Indian of the reservation.

The superintendent of the Carson school, in his report for the year ending June 30, 1905, states that there are on the reservation 502 Indians, and that they all wear citizens' dress. It will require 10040 acres to give each Indian an allotment of twenty acres. Allowing five to constitute an average family, there will be required about two thousand acres to make allotments, first, to the heads of families.

The schedules of allotments should be made in duplicate and should contain the names, both Indian and English, of all Indians who receive allotments. You will give a description by legal subdivisions, section, township, and range, of the lands allotted. The sex and age of the allottee should be given in separate columns as indicated on the blank schedules of allotments which will be furnished you.

Allotments to families should be grouped and in proper columns on said blank schedule, the relationship of each allottee should be given: First, relationship in family, second, other relationship.

No person who is not a recognized member of the tribe occupying the reservation, or the child of such recognized member thereof, should be permitted to take an allotment.

You will allow the Indians to select their lands within the tract susceptible of irrigation, heads of families selecting for themselves and their minor children.

Selections for orphans will be made by yourself and the superintendent in charge of the reservation.

Every allotment should be distinctly marked, and each allottee of sufficient age should be personally shown the boundaries of the allotment selected by or for him, so that he will understand exactly where the lands selected lie, and every possible means should be taken to familiarize him with the boundary lines.



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The tract given to each allottee should be in one body. This should be done because only lands susceptible of irrigation are allottable under the law.

Each Indian should be allowed to select his land so as to retain the improvements located thereon, if situated upon lands subject to allotment. Where the improvements of two or more Indians, if any, have been made on the same legal subdivision, a provisional line should be run dividing the lands between them, unless an arrangement can be made between them, by which the tract can be given to one of them. Such arrangement, however, if made, should be satisfactory to all parties concerned, reduced to writing, and signed by them.

White husbands of Indian women are not entitled to allotments unless they have been regularly adopted by the tribe. All children born of a marriage solemnized according to Indian custom or the laws of Nevada, between a white man and an Indian woman are entitled to allotments, provided such woman and her issue are recognized by the tribe as belonging thereto, and where the family so founded identifies itself and affiliates with the tribe of which the mother is a recognized member. When an Indian woman, by her marriage with a white man, has in effect withdrawn from the tribe and is no longer identified with the tribal community and interests, the offspring of such marriage are not entitled to allotments, or other benefits as Indians, and must not be allotted. (Opinion Assistant Attorney-General for this Department, rendered March 14, 1905, I. O. Letter 21,245, 1905.)

In all cases where Indian women have been married to Indian husbands and have children born of such marriage and have been divorced from their husbands after the Indian custom, the mother should be allowed to select land for her minor children, not under the charge of the father at the date of these instructions, if competent to do so.

All lands needed by the Government for Agency, school, and other purposes, should be reserved from allotment.

Your attention is called to the provisions of the act of 1887 (copy enclosed) with reference to religious societies and organizations. If any such were then occupying lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is thereby authorized to confirm such occupancy to such society or organization, in quantity not exceeding 160 acres in any one tract, so long as the same shall be so occupied, and on such terms as he shall deem best. Tracts reserved for agency, school, or other purposes, should be embraced on separate schedules in duplicate.

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Care should be taken to have the names of the allottees properly spelled and very distinctly written on the schedules.

You will do such retracing of lines and establishing or re-establishing such monuments, as may be found requisite, employing a surveyor and the necessary assistants who should be Indians in all cases where practicable. For such persons you will prepare vouchers and sub-vouchers, and report the names of the employee upon a list of irregular employees.

You will also employ an interpreter when absolutely necessary, and report him upon your list of irregular employees at not exceeding \$1.50 per day.

In this connection, you are instructed to submit an estimate of the funds needed by you, if any, for the second quarter of the present fiscal year ending June 30, 1906, including thereon such employees as are needed for your work at this season of the year. The expenses incurred in making these allotments upon the Walker River Reservation are payable from the appropriation made by act of March 3, 1903, (32 Stat. 982-997), for allotments under act of May 27, 1902, to the Indians of the Walker River and other reservations.

You will be required to forward quarterly to this office an estimate of the funds required for the ensuing quarter. The estimate must show in detail every purpose for which the money is to be used; if it is used for the payment of employees, the position of each employee and the amount required for each must be stated. It must also show the amount of the funds on hand at the end of the preceding quarter, and if they are required to pay the liabilities which have already been incurred, it must be so stated. The estimate should be sent in as early in the quarter as possible, and within thirty days at most after the beginning thereof.

Weekly reports of your work should be promptly rendered upon blanks for that purpose.

Should any question arise, in the prosecution of the work assigned you, upon which you desire further information and instructions, you will please submit it to this office in explicit

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form, so that such information and instruction as is needed may be given you.

Very respectfully,

(Signed) C F Larrabee,

JML:McC.

Acting Commissioner.

Department of the Interior.

Approved. Nov. 3, 1905.

by (s) E. A. Hitchcock

Secretary.